

EXHIBIT V

In The Matter Of:

BANK LEUMI USA

v.

DAVID EHRLICH

URIEL GANZ - Vol. 1

May 29, 2014

MERRILL CORPORATION

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URIEL GANZ

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

-----x
BANK LEUMI USA,

Plaintiff,

vs. Case No. 12-CV-4423 (AJN)

DAVID EHRLICH, ANGELA TYKOCKI,
ENRIQUE EHRLICH, and SARA
GOLDSTEIN,

Defendants.

-----x

May 29, 2014

9:35 a.m.

Deposition via webcam (through a Spanish interpreter) of URIEL GANZ, at the offices of Mayer Brown, 1675 Broadway, New York, New York, before Nancy Mahoney, a Certified Court Reporter, Registered Professional Reporter, Certified LiveNote Reporter, and Notary Public within and for the States of New York and New Jersey.

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2 A P P E A R A N C E S:

3 MAYER BROWN LLP
4 Attorneys for Plaintiff
5 1675 Broadway
6 New York, New York 10019

7 BY: MARK G. HANCHET, ESQ.
8 (Via webcam)
9 JAMES ANCONI, ESQ.
10 (Via webcam)

11 ALCANTAR LAW PLLC
12 Attorneys for Defendants
13 22 Cortlandt Street
14 New York, New York 10007

15 BY: JOSE RAUL ALCANTAR, ESQ.
16 raul.alcantar@alcantarlaw.com

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20 ALSO PRESENT:

21 EVELYN TAVARELLI, Spanish Interpreter
22 (Via webcam)

23 ELIAS BLUTH (Via webcam)
24 SANDRA GONZALEZ (Via webcam)
25 ISRAEL CREYMER (Via webcam)

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1 URIEL GANZ

2 generated or --

3 Q. Was it a note to you how these lists
4 arrived to your inbox?

5 A. How they were prepared you mean?

6 Q. That is correct. Let me rephrase
7 the question.

8 Do you have any knowledge of how the
9 dealing room generated these investment options?

10 A. No.

11 Q. So the process was never discussed
12 with you?

13 A. No, absolutely not.

14 Q. Now I will take a step back and
15 discuss your role with respect to BLUSA clients
16 in Uruguay. How did your relationship with BLUSA
17 customers differ from your relationship with with
18 Leumi Latin America customers?

19 A. In the case of the BLUSA client I
20 acted as agent providing referral services.

21 Q. Just to confirm, are you -- when you
22 say agent, do you mean BLUSA's agent?

23 A. In fact, Leumi Latin America is
24 BLUSA's agent.

25 Q. Are you an agent of Leumi Latin

1 URIEL GANZ

2 Q. So you are aware of the dispute
3 between BLUSA and my clients, correct?

4 A. Yes.

5 Q. Are you aware that it revolves
6 around the purchase of Kaupthing bonds?

7 A. Yes.

8 Q. Do you know when the purchase of
9 these bonds took place?

10 A. Yes.

11 Q. When approximately was that?

12 A. It was in February of 2008.

13 Q. Can you relate the events of that
14 day, what you remember from that day, what
15 happened?

16 A. No. I had a fluid relationship with
17 with the Ehrlichs and at that time I saw them
18 fairly frequently, both at the bank and at their
19 business, but I don't remember that specific date
20 in particular.

21 Q. I will now be providing you with a
22 document to see if it helps you refresh your
23 memory. This is the document called Financial
24 Assets Order.

25 MR. ALCANTAR: If you could please

1 URIEL GANZ

2 mark of it as Exhibit 1, court reporter.

3 (Deposition Exhibit 1 for
4 identification, Financial Assets Order, two
5 pages, no Bates stamp.)

6 MR. ALCANTAR: Mark, I believe
7 Dr. Bluth will be providing you with a copy, if
8 you could please confirm that you have the copy.

9 MR. HANCHET: Yes, the witness has a
10 copy and so do I.

11 BY MR. ALCANTAR:

12 Q. Now, Mr. Ganz, I want to ask you:
13 Do you recognize this document?

14 A. Yes.

15 Q. Do you see the signatures at the
16 bottom of the document?

17 A. Yes, clearly.

18 Q. I just want to ask. On the first
19 page and the second page -- there are two pages
20 to it --

21 A. On both pages.

22 Q. On both pages where it says
23 officer's signature, is that your signature?

24 A. Yes, there are two signatures. To
25 the right is my signature and to the left is the

1 URIEL GANZ

2 signature of Carlos Mazal.

3 Q. I'm just asking you to identify your
4 signature.

5 A. Yes.

6 Q. Now, I first will ask you about the
7 page that says Enrique Ehrlich in the middle. Do
8 you see that?

9 A. Yes.

10 Q. Do you recognize the writing on the
11 form, not the signature?

12 A. Yes, it's my handwriting.

13 Q. Do you recall filling this in?

14 A. Yes.

15 Q. When did you complete this form?

16 A. This form was filled out after
17 receiving or while receiving the order from a
18 client to purchase a specific security.

19 Q. Now, did this -- do you remember
20 meeting with Enrique Ehrlich in connection with
21 this order?

22 A. Yes.

23 Q. Where did that meeting take place?

24 A. It would probably be at the bank's
25 office, but I can't really say for sure.

1 URIEL GANZ

2 Q. Would there be any other document
3 that would help you remember where the meeting
4 took place?

5 A. I can't think of anything.

6 Q. Was there any other place where you
7 typically met with Enrique other than the bank?

8 A. Yes, as I said previously, we would
9 meet at the bank and/or at his offices.

10 Q. Now, would you typically fill these
11 forms in in front of Enrique, after he left or
12 before he arrived?

13 A. Not necessarily. If the order was
14 in front of me, yes, but if the order was by
15 phone, I would complete the form, send it to him
16 by fax and received his -- the signed form back
17 by fax.

18 Q. So you would always complete the
19 form before it was signed by the customer?

20 A. Yes, of course.

21 Q. Just to confirm, you do not remember
22 whether this meeting took place at your office or
23 Enrique's business, correct?

24 A. No.

25 Q. If you remember during the course of

1 URIEL GANZ

2 this deposition or after this deposition, you can
3 either tell me directly during this deposition or
4 you can tell your counsel and he will relay the
5 information to me.

6 A. Okay.

7 Q. Now, the second page of this
8 exhibit, Exhibit 1, the one that says David
9 Ehrlich, is this your signature at the bottom of
10 the right-hand corner where it says officer's
11 signature?

12 A. Yes, it's the same case as the
13 previous case.

14 Q. And this is your handwriting that
15 filled in the form?

16 A. Yes.

17 Q. Do you know where you met with --
18 where this meeting with David Ehrlich took place
19 when he signed this document?

20 A. Generally speaking, I would meet
21 with Enrique and then Enrique who was the one who
22 handled the family's business would pass along
23 his decision to David who is the one who signed
24 on his own behalf.

25 Q. But you do not remember where this

1 URIEL GANZ

2 meeting took place?

3 MR. HANCHET: Objection, form.

4 A. Probably at the bank's office.

5 Q. Do you remember meeting with David
6 Ehrlich personally in the context of completing
7 this form?

8 A. No. Generally I would meet with
9 Enrique and then the orders would come in signed
10 by David with respect to his account.

11 Q. Did you recommend the Kaupthing
12 bonds to Enrique Ehrlich as an investment?

13 A. No. It's prohibited for us to
14 recommend them.

15 Q. So he requested to invest in the
16 Kaupthing bonds?

17 A. If Enrique asked to invest?

18 Q. Yes.

19 A. Yes, he chose this investment, among
20 many others.

21 Q. But I'm asking about this investment
22 specifically. Did he request to invest in the
23 Kaupthing bonds?

24 A. Yes, he asked -- he ordered.

25 Q. Where did he order this -- where did

1 URIEL GANZ

2 this communication take place?

3 A. No, the communication is oral.

4 After the communication, I prepared the form and
5 he signed it.

6 Q. I understand, thank you.

7 When Enrique Ehrlich -- you say he
8 told you he wanted to purchase Kaupthing bonds.
9 When he told you this, was this in person or was
10 this via telephone?

11 A. When we analyzed the possibility of
12 investing because Enrique had liquidity, we
13 looked at various alternatives, we always did. I
14 don't remember when he made the decision, whether
15 it was there on the spot or if it was later or if
16 it was the next day.

17 Q. When you mean there on the spot,
18 what location are you talking about, his
19 business, your office?

20 A. Whatever the place it was we were
21 meeting, either at the bank's offices or his
22 office. The process doesn't change.

23 Q. So there were occasions when you
24 would visit the Ehrlich's business to offer
25 investment alternatives?

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2 trading room.

3 A. The procedure, as I said before, was
4 that I called the dealer in Montevideo for the
5 call to be taped and the dealer places the order
6 with the BLUSA dealer.

7 Q. So you did not have -- other than
8 what you just stated, you did not have any role
9 in effectuating this purchase order?

10 A. No, none.

11 Q. Did you sell Kaupthing bonds to any
12 other BLUSA customers?

13 A. Yes.

14 Q. Do you know how many customers
15 approximately if you don't remember exactly?

16 MR. HANCHET: Are you concerned
17 about secrecy? So I think you can -- if you can
18 say it without revealing the names, I have no
19 problem.

20 A. I think it could be about ten
21 clients.

22 Q. That was ten clients, is that what
23 you stated?

24 A. I think it would be ten,
25 approximately?

1 URIEL GANZ

2 MR. ALCANTAR: I understand. I
3 don't think you're waiving any rights.

4 (Recess taken.)

5 BY MR. ALCANTAR:

6 Q. I don't have any more exhibits, so I
7 will not burden you with things in that respect.
8 I just have a few more questions and I think
9 we'll wrap up the day.

10 The first question is: I want to
11 take a step back and talk about your role as an
12 account officer, Mr. Ganz.

13 A. Okay.

14 Q. Do you open accounts for BLUSA
15 customers -- for new BLUSA customers in that
16 capacity?

17 A. What I do is to facilitate the forms
18 to the prospect and then I send them to BLUSA.

19 Q. Do you know -- could you describe
20 the forms that you're talking about?

21 A. The account opening form, the terms
22 and condition and the Know Your Customer form
23 which is an internal form.

24 Q. What are the terms and conditions
25 called?

1 URIEL GANZ

2 THE INTERPRETER: What are the terms
3 and conditions --

4 Q. Is there a name for the form or are
5 they just called terms and conditions?

6 THE INTERPRETER: I'm sorry, can you
7 repeat the question?

8 MR. ALCANTAR: Yes.

9 BY MR. ALCANTAR:

10 Q. Is there a name for the form that
11 contains the terms and conditions, or are they
12 simply known as terms and conditions?

13 A. There are different names depending
14 on the Leumi bank to which I make the referral,
15 but in all cases they're terms and conditions.

16 Q. I understand, thank you.

17 In this case I'm asking specifically
18 about accounts opened with BLUSA. Is there a
19 name for the form that contains the terms and
20 conditions?

21 A. Yes, of course.

22 Q. And you provide a customer that
23 opens an account with BLUSA with these forms in
24 each and every occasion?

25 A. I offer the client the possibility

1 URIEL GANZ

2 of having them and, generally speaking, the
3 client doesn't want them.

4 Q. Do you know the name of the form?

5 A. Right now I don't remember. It's
6 got a strange name, but it's the terms and
7 conditions.

8 Q. Have you heard of --

9 A. It's something like financial
10 arrangement.

11 Q. Have you heard of the document
12 International Financial Services Arrangements?

13 A. Yes, it's something like that.

14 Q. To your recollection -- again, I
15 don't want you to speculate, but if you remember,
16 has that been -- was that the name of the
17 document containing the terms and conditions
18 during the four plus years during which you were
19 an account officer?

20 A. I couldn't say.

21 Q. Now, I just have a few more
22 questions about what happened after -- the
23 circumstances surrounding the end of your role as
24 an account officer.

25 Approximately when did this happen?

1 C E R T I F I C A T E

2 STATE OF NEW YORK)

3 : ss.

4 COUNTY OF NEW YORK)

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6 I, NANCY MAHONEY, a Certified Court
7 Reporter, Registered Professional Reporter,
8 Certified LiveNote Reporter, and Notary Public
9 within and for the States of New York and New
10 Jersey, do hereby certify:

11 That URIEL GANZ, the witness whose
12 deposition is hereinbefore set forth, was duly
13 sworn by me and that such deposition is a true
14 record of the testimony given by the witness.

15 I further certify that I am not
16 related to any of the parties to this action by
17 blood or marriage, and that I am in no way
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 3rd day of June 2014.

21

22 _____
NANCY MAHONEY, CCR/RPR

23

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1 URIEL GANZ
2 information help refresh your memory as to the
3 date of the last Kaupthing bond sale?

4 A. Yes.

5 Q. What document would that be or
6 information?

7 A. Any kind of reliable information,
8 for example, a client order.

9 MR. ALCANTAR: Thank you very much.
10 That is all for my questions. I hereby conclude
11 the deposition. Thank you, Mr. Ganz.

12 THE WITNESS: You're very welcome.

13

14 (Time noted: 2:31 p.m.)

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URIEL GANZ

18 Subscribed and sworn to before me
19 this 27th day of JUNE, 2014.

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1 STATE OF NEW YORK)
 2)
 3 SS:
 4 COUNTY OF NEW YORK)
 5 I wish to make the following changes, for
 6 the following reasons:
 7
 8 PAGE LINE 2 18
 9 CHANGE FROM: ISRAEL CREYMER
 10 CHANGE TO: ISRAEL CREMER
 11 REASON: _____
 12
 13 7 4
 14
 15 CHANGE FROM: DR. CREYMER
 16 CHANGE TO: DR. CREMER
 17 REASON: _____
 18
 19 9 10/11
 20 CHANGE FROM: who is the general manager
 21 CHANGE TO: who was the general manager
 22 REASON: _____
 23
 24 14 19
 25 CHANGE FROM: the exchange
 CHANGE TO: The Trade Desk.
 REASON: _____
 14
 15 15 20
 16 CHANGE FROM: that
 17 CHANGE TO: but
 18 REASON: _____
 19
 20 16 2
 21 CHANGE FROM: I wanted to find out what would happen
 22 CHANGE TO: I was appointed to take the position
 23 REASON: _____
 24
 25 22 16
 26 CHANGE FROM: Morris Siegel
 27 CHANGE TO: Morris Siegal
 28 REASON: _____
 29
 30 _____
 31 URIEL GANZ
 32
 33 Subscribed and sworn to before me
 34 this _____ day of _____, 2014.
 35 _____

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